

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Georgie Elaine Russell,

Civ. No. 23-1075 (JWB/ECW)

Petitioner,

v.

ORDER

Michael Segal, Warden,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) by United States Magistrate Judge Elizabeth Cowan Wright dated May 9, 2023. (Doc. No. 6.) Petitioner Georgie Elaine Rusell has filed an objection to the recommendation that this Court deny and dismiss the petition. (Doc. No. 7.)

The Court reviews the portions of the R&R to which Petitioner objects *de novo* and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). The Court reviews any aspect of an R&R to which no specific objection is made for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Petitioner is *pro se*, Petitioner’s objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

The Court has reviewed Petitioner's objections to the May 9, 2023 R&R.

Petitioner objects to the R&R's alternative analysis even if the statute is ambiguous, not the primary analysis of the plain language. Because the R&R contains no clear error in determining that the statute unambiguously rejects Petitioner's arguments, Petitioner's objection to the alternative analysis is without weight. Petitioner's remaining objections, raised for the first time, are conditions of confinement claims not cognizable in habeas and waived for failure to raise in the petition. *See Ridenour v. Boehringer Ingelheim Pharm., Inc.*, 679 F.3d 1062, 1067 (8th Cir. 2012) (concluding arguments waived when not first presented to the magistrate judge). Based on that review, and in consideration of the applicable law, the Court accepts the R&R in its entirety.

IT IS HEREBY ORDERED that:

1. Petitioner Georgie Elaine Russell's Objections to Magistrate's Report and Recommendations (Doc. No. 7) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 6) is **ACCEPTED**;
3. Petitioner Georgie Elaine Russell's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**; and
4. This action is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 14, 2023

s/Jerry W. Blackwell

JERRY W. BLACKWELL
United States District Judge